

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

JONATHAN R., <i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
v.)	
)	
JIM JUSTICE, in his official capacity as)	Case No. 3:19-cv-00710
Governor of West Virginia, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**MEMORANDUM IN SUPPORT OF DEFENDANTS’ MOTION FOR LEAVE TO FILE
UNDER SEAL**

Pursuant to Local Rules 5.2.1 and 26.4(b), and the Protective Order entered in this case, ECF No. 386, Defendants move for leave to file under seal Exhibits 156–160 attached to the July 8, 2024 declaration of Philip J. Peisch submitted in support of Defendants’ Motion for Summary Judgment.

Exhibits 156–160 include personal identifying and confidential information and records related to juvenile, abuse, or neglect cases protected under W. Va. Code § 49-5-101(a) (“Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by . . . the Department of Health and Human Resources,” among others, “are confidential and shall not be released or disclosed to anyone . . .”). This information is also subject to the provisions of the Protective Order entered by Magistrate Judge Eifert on November 2, 2023, ECF No. 386, ¶ 1.C, and the provisions of Local Rules of Civil Procedure 5.2.1(2)–(3). To protect the privacy and confidentiality of the children and their families, the Department of Human Services (“DoHS”) wishes to implement the safeguard of filing such protected information under seal.

While the Court will need to be able to review these records containing information related to juvenile, abuse, or neglect cases, the Defendants seek to continue to protect the confidentiality of this information to the maximum extent possible, and to comply with their obligations under State law. For these reasons, permanently sealing these documents is necessary.

Defendants request that these documents remain under seal for the duration of the above captioned litigation.

Respectfully submitted,

July 8, 2024

/s/ Philip J. Peisch
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CERTIFICATE OF SERVICE

I, Philip J. Peisch, hereby certify that I caused a true and correct copy of Defendants' Memorandum in Support of Motion for Leave to be delivered to the following via electronic mail:

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July 8, 2024

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